

House Study Bill 278

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the act or property of a public utility with
2 respect to the definition of nuisance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2837HC 80
5 jj/sh/8

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1 1 Section 1. Section 657.1, Code 2003, is amended to read as
1 2 follows:
1 3 657.1 NUISANCE == WHAT CONSTITUTES == ACTION TO ABATE.
1 4 1. Whatever is injurious to health, indecent, or
1 5 unreasonably offensive to the senses, or an obstruction to the
1 6 free use of property, so as essentially to ~~unreasonably~~
1 7 interfere ~~unreasonably~~ with the comfortable enjoyment of life
1 8 or property, is a nuisance, and a civil action by ordinary
1 9 proceedings may be brought to enjoin and abate the ~~same~~
1 10 nuisance and to recover damages sustained on account ~~thereof~~
1 11 of the nuisance.
1 12 2. Notwithstanding subsection 1, an act taken or property
1 13 maintained by a public utility, as defined in chapter 476, in
1 14 compliance with administrative rules adopted by the utilities
1 15 board of the department of commerce or other legal standards
1 16 shall not be considered a nuisance.

1 17 EXPLANATION
1 18 This bill amends Code section 657.1, relating to the
1 19 definition of nuisance. The new subsection provides that
1 20 public utility action taken or property maintained in
1 21 compliance with utilities board rules or other legal standards
1 22 shall not be considered a nuisance.
1 23 LSB 2837HC 80
1 24 jj/sh/8
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